

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS CORPORATION, formerly known as
VIACOM, INC.,

Plaintiff,

v.

EATON CORPORATION,

Defendant.

Civil Action No. 07-CV-11344 (LBS)

RULE 26 JOINT STATUS REPORT

RULE 26 JOINT STATUS REPORT

In accordance with Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff, CBS Corporation ("CBS"), and Defendant, Eaton Corporation ("Eaton"), by and through their respective counsel, submit this Joint Status Report:

1. Consistent with Federal Rule of Civil Procedure 26(f), CBS and Eaton ("Parties"), on Wednesday, February 20, 2008, conferred about the issues included within the purview of said rule.
2. With regard to the conferred upon issues, the Parties are agreeable in certain respects, as set forth below.
3. The Parties believe that there is a realistic possibility of settling this case and will pursue settlement discussions in good faith.
4. The Parties believe that this is a case that may be resolved through alternative dispute resolution.
5. The Parties agree that this case should not be referred to a Magistrate Judge for trial; however, the Parties do not object to a Magistrate Judge's handling discovery disputes and/or methods of dispute resolution.

6. The Parties agree that their Initial Disclosures, which are required by Federal Rule of Civil Procedure 26(a)(1), should be exchanged by Wednesday, March 5, 2008.

7. In addition to their agreement regarding the date on which they should exchange their Initial Disclosures, the Parties also are agreeable as to how discovery, in general, should be undertaken in this case:

- (a) The Parties agree that all fact discovery, including written discovery and depositions, should conclude on Monday, June 30, 2008;
- (b) The Parties agree that all expert discovery should conclude on Friday, August 29, 2008;
- (c) In connection with expert discovery, the Parties agree that CBS should identify any experts and produce their corresponding reports by Tuesday, July 1, 2008;
- (d) In connection with expert discovery, the Parties agree that Eaton should identify any experts and produce their corresponding reports by Wednesday, July 16, 2008.

8. Notwithstanding any Local Rules to the contrary, the Parties agree that they should answer any propounded Interrogatories in accordance with, and to the extent required by, the Federal Rules of Civil Procedure.

9. The Parties agree that all dispositive motions should be filed by Tuesday, September 30, 2008; the Parties further agree that any responses thereto should be filed by Tuesday, October 21, 2008.

10. The Parties believe that this court should set the date of the pretrial conference following its ruling on any dispositive motions.

11. The Parties believe that this court should set a firm trial date at the pretrial conference.

12. The Parties agree that there are no further matters appropriate for inclusion in the court's Initial Scheduling Order.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Steven W. Zoffer

Frederick W. Bode, III, Esquire
Steven W. Zoffer, Esquire
Kristen Hock Prex, Esquire
David D. McKenery, Jr., Esquire
Two PPG Place, Suite 400
Pittsburgh, PA 15222
(412) 281-7272

HODGES, WALSH & SLATER, LLP

Paul E. Svensson, Esquire
55 Church Street, Suite 211
White Plains, NY 10601
(914) 385-6000

Counsel for Plaintiff, CBS Corporation

DEWEY & LeBOEUF, LLP

By: /s/ Elizabeth M. Bradshaw

Elizabeth Bradshaw, Esquire
Two Prudential Plaza
180 North Stetson Avenue, Suite 3700
Chicago, IL 60601
(312) 794-8000

KATSKY KORINS, LLP

Robert A. Abrams, Esquire
605 Third Avenue, 16th Floor
New York, NY 10158
(212) 716-3237

Counsel for Defendant, Eaton Corporation